

This letter rescinds the *Brown* Advice Letter, No. A-83-296 to the extent that the letter creates an exception to the sender identification requirements of the Act in Section 84305 without statutory or regulatory authority.

This letter supersedes the *Nolan* Advice letter, No. I-88-188, in part, to the extent that it discusses with approval the conclusion in the Brown Letter.

February 7, 2014

Erik Nasarenko for City Council 2013  
290 Maple Court, Suite 118  
Ventura, CA 93003

Re: Your Request for Advice  
**Our File No. A-14-015**

Dear Mr. Nasarenko:

This letter responds to your request for advice regarding the campaign provisions of the Political Reform Act (the “Act”).<sup>1</sup> Please note that we can only provide advice as to the provisions of the Act and its regulations; the Commission does not advise on a requestor’s duties under a local ordinance.

## QUESTIONS

1. When is your campaign account for local elected office considered an officeholder account?
2. What are permissible officeholder expenses?
3. If you send holiday cards to 250 households paid for by your officeholder campaign funds, what required identification must you include on the envelopes?

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<sup>1</sup> The Political Reform Act is contained in Government Code Sections 81000 through 91014. All statutory references are to the Government Code, unless otherwise indicated. The regulations of the Fair Political Practices Commission are contained in Sections 18110 through 18997 of Title 2 of the California Code of Regulations. All regulatory references are to Title 2, Division 6 of the California Code of Regulations, unless otherwise indicated.

## CONCLUSIONS AND ANALYSIS

### 1. Officeholder accounts

Section 85201 requires all campaign expenditures to be made from a campaign account and all contributions or loans made to the candidate, to a person on behalf of the candidate, or to the candidate's controlled committee are required to be deposited in the account. The Commission has interpreted this to mean that a candidate for elective office may have only one campaign bank account and one controlled committee *for each specific office* to which he or she seeks election. (*Hicks* Advice Letter, No. 1-99-120.) Essentially this rule prohibits candidates from making campaign expenditures for any other election to office from that account. With respect to officeholder accounts for local candidates, we have advised that consistent with the one bank account rule, a local elected official may maintain a campaign committee and bank account from his or her most recent election to use for officeholder expenses.<sup>2</sup>

### 2. Permissible expenses associated with an officeholder account

An officeholder expense is any expense related to a *legislative* or *governmental* purpose. The Act has specific provisions concerning officeholder accounts applicable to state candidates. The Act does not contain contribution limits or specific officeholder account provisions for local candidates. Some local jurisdictions have campaign finance ordinances in effect with officeholder account provisions.

With respect to officeholder accounts for local candidates, we have advised that consistent with the one bank account rule, a local elected official may maintain a campaign committee and bank account from his or her most recent election to use for officeholder expenses. Regulation 18525(b) states that an incumbent elected officer may make officeholder expenses “from either the campaign bank account established pursuant to Government Code Section 85201 for election to the incumbent term of office or from a campaign bank account established pursuant to Government Code Section 85201 for election to a future term of office.” Regulation 18525(a) describes which expenditures *must* be made from a campaign account for a future election.

### 3. Holiday Cards

The Act requires that all campaign mailings sent by a candidate have proper sender identification. (Section 84305.) The name of the candidate, his or her street address, city, state, and zip code must be placed on the outside of each piece of mail in no less than 6-point type and in a color or print which contrasts with the background so that it is easily read. If, as here, a

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<sup>2</sup> The Commission has consistently advised that there exists a limited exception to this rule that allows a local candidate to *redesignate* a campaign committee and campaign bank account for re-election to the same office at a future date if the candidate is running for a local office as long as certain conditions are met. (Regulation 18521(b).)

single candidate's controlled committee is sending a mailer, the name of the committee that contains the candidate's name may be placed on the outside of the mailer. A post office box may be used as the address only if the committee's street address is on its statement of organization on file with the Secretary of State.

There is no explicit exception for holiday cards in the statute or regulations. While in the past, prior to some of the most recent amendments to the regulation, there had been efforts to distinguish holiday cards from other mass mailings of a committee; such an approach is inconsistent with the governing law in the area. Therefore, mass mailings sent by a committee must comply with Section 84305 and Regulation 18435.

If you have other questions on this matter, please contact me at (916) 322-5660.

Sincerely,

Zackery P. Morazzini  
General Counsel

By: John W. Wallace  
Assistant General Counsel  
Legal Division

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